

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Peter B. Lazare, individually, and as Trustee of the Jon J. Edelman Trust; Ian Williams, as Trustee of The Aurora Borealis Trust; Premier Trust, Inc., as Trustee of the Aurora Borealis Trust,

Defendants.

Case No. 14-cv-1075-APG-VCF

TEMPORARY RESTRAINING ORDER

The United States filed an ex parte motion for a temporary restraining order (Dkt. #4) asking me to temporarily compel the defendants, and others working with them or on their behalf, to deposit into the registry of the court all income the Aurora Borealis Trust receives and has received from the Estate of Mildred Ash (which allegedly was fraudulently transferred for the Jon J. Edelman Trust). The United States also seeks an order preventing anyone from liquidating and distributing any of the income and principal of the Aurora Borealis Trust without court approval. (Dkt. #4.) As set forth below, the United States has satisfied the requirements for issuance of a temporary restraining order ("TRO"). *Arc of Cal. v. Douglas*, -- F.3d --, 2014 WL 2922662, at *6 (9th Cir. June 30, 2014). *See also*, Fed. R.Civ. P. 65(b); 26 U.S.C. §§ 7402, 7408 (authorizing injunctive relief). Thus, the motion is granted.

The United States has established a likelihood that it will succeed on the merits of its claims. It appears that some or all of the defendants have fraudulently transferred and/or hidden assets to avoid the United States' ability to execute upon those assets when enforcing an order and/or judgment that the United States has obtained in the United States District Court for the

1 District of New Mexico. If this TRO is not issued, it is likely that the defendants will further
2 transfer and hide these assets, including possibly moving them out of the country. Thus, absent
3 this injunction, the United States will suffer irreparable injury. This potential harm outweighs
4 any damage that the defendants may suffer from this temporary injunction. In addition, the
5 public interest is served by assisting the United States (albeit temporarily) in collecting upon
6 judgments it has obtained.

7 This order is issued without notice because of the fungible nature of money, and the ease
8 with which defendants could transfer these assets again if they had prior notice.

9 Based on the foregoing, I hereby GRANT the United States' motion for temporary
10 restraining order (Dkt. #4). It is therefore ORDERED as follows:

11 1. The defendants and all agents, representatives, attorneys, entities or persons acting on
12 their behalf or in concert with them, are hereby compelled to deposit the Aurora Borealis Trust's
13 income from the Estate of Mildred Ash into the registry of this Court pending a hearing on the
14 United States' motion for the preliminary injunction or further order from this Court.

15 2. The defendants and all agents, representatives, attorneys, entities or persons acting on
16 their behalf or in concert with them, are hereby enjoined from liquidating and distributing any
17 part of the income or principal of the Aurora Borealis Trust pending a hearing on the United
18 States' motion for the preliminary injunction or further order from this Court.

19 3. The United States is not required to give security or bond. Fed. R. Civ. P. 65(c).

20 4. I will conduct a hearing on United States' motion for preliminary injunction (Dkt. #5)
21 on **Thursday, July 10, 2014 at 1:30 p.m.** in Courtroom 6C of the Lloyd D. George Federal
22 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada. This TRO will remain in
23 force and effect until the conclusion of that hearing or further order of this Court.

1 5. In addition to the service of process required under the Federal Rules of Civil
2 Procedure, the United States shall serve a copy of this Temporary Restraining Order, and all
3 other papers filed in this case, upon defendants and their counsel as soon as possible, by the most
4 expeditious methods available (e.g., email, overnight delivery, hand delivery, etc.).

5 SIGNED this 2nd day of July, 2014 at 10:00 a.m.

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9 Andrew P. Gordon
10 UNITED STATES DISTRICT JUDGE
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